

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

United States of America,

Plaintiff,

v.

The State of Texas,

Defendant.

Case No. 1:21-cv-00796-RP

**INTERVENOR-DEFENDANTS' PRELIMINARY-
INJUNCTION HEARING EXHIBITS**

Intervenor-Defendants Erick Graham, Jeff Tuley, and Mistie Sharp (“Intervenors”) hereby submit the following exhibits Intervenors expect to offer at the preliminary-injunction hearing to be held on October 1, 2021 (except those to be used for impeachment only). Intervenors have not been a party to any agreement between the United States and the State of Texas concerning the presentation of witness testimony or exhibits at the preliminary-injunction hearing, and Intervenors have not received instructions from the Court regarding disclosure or submission of witness testimony or exhibits prior to or at the hearing. Accordingly, and without waiving any objections to the declarations and evidence offered by the United States, Intervenors submit the following exhibits in opposition to the United States’ motion for preliminary injunction. Copies of the exhibits are attached hereto as Exhibit A.

Int. Def. Exh. No.	Offered	Admitted	Description of Exhibit
1			Centers for Disease Control and Prevention Abortion Surveillance System FAQs

Int. Def. Exh. No.	Offered	Admitted	Description of Exhibit
2			Centers for Disease Control and Prevention Abortion Surveillance – United States, 2018
3			The U.S. Abortion Rate Continues to Drop: Once Again, State Abortion Restrictions Are Not the Main Driver
4			New Clarity for the U.S. Abortion Debate: A Steep Drop in Unintended Pregnancy Is Driving Recent Abortion Declines
5			Planned Parenthood Center for Choice – About This Health Center
6			Planned Parenthood Greater Texas – About This Health Center
7			Texas Health & Human Services Commission Induced Terminations of Pregnancy – Summary of Tables
8			Texas Health & Human Services Commission, Selected Characteristics of Induced Terminations of Pregnancy Calendar Year 2021
9			Texas Health & Human Services Commission, Selected Characteristics of Induced Terminations of Pregnancy Calendar Year 2020
10			Texas Health & Human Services Commission, Selected Characteristics of Induced Terminations of Pregnancy Calendar Year 2019
11			Texas Health & Human Services Commission, Selected Characteristics of Induced Terminations of Pregnancy Calendar Year 2018
12			Texas Health & Human Services Commission, Selected Characteristics of Induced Terminations of Pregnancy Calendar Year 2017
13			Abortion Statistics England and Wales 2019
14			CV Monique Chireau, M.D.
15			Declaration of Monique Chireau, M.D.
16			Declaration of Emily Cook

Int. Def. Exh. No.	Offered	Admitted	Description of Exhibit
17			Declaration of Rachel Lane
18			Notice of Subpoenas and Subpoenas to Appear and Testify at a Hearing or Trial in a Civil Action
19			Email Correspondence with counsel for United States re Preliminary-Injunction Hearing and Cross-Examination of Abortion-Provider Declarants
20			Affidavits of Due Diligence Notice of Subpoenas and Subpoenas to Appear and Testify at a Hearing or Trial in a Civil Action

Respectfully submitted.

Jonathan F. Mitchell
 Texas Bar No. 24075463
 Mitchell Law PLLC
 111 Congress Avenue, Suite 400
 Austin, Texas 78701
 (512) 686-3940 (phone)
 (512) 686-3941 (fax)
 jonathan@mitchell.law

Gene P. Hamilton*
 Virginia Bar No. 80434
 Vice-President and General Counsel
 America First Legal Foundation
 300 Independence Avenue SE
 Washington, DC 20003
 (202) 964-3721
 gene.hamilton@aflegal.org

*admitted pro hac vice

/s/ Andrew B. Stephens
 Andrew B. Stephens
 Texas Bar No. 24079396
 Heather Gebelin Hacker
 Texas Bar No. 24103325
 Hacker Stephens LLP
 108 Wild Basin Road South, Suite 250
 Austin, Texas 78746
 (512) 399-3022 (phone)
 heather@hackerstephens.com
 andrew@hackerstephens.com

Dated: October 1, 2021

*Counsel for Intervenors Erick Graham,
 Jeff Tuley, and Mistie Sharp*

CERTIFICATE OF SERVICE

I certify that on October 1, 2021, I served this document through CM/ECF upon all counsel of record in this case.

/s/ Andrew B. Stephens
Andrew B. Stephens
*Counsel for Intervenors Erick Graham,
Jeff Tuley, and Mistie Sharp*